

**DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION\***

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**BALANCED FOOD POWDER COMPOSITION**

and for which a patent application and for which a patent application

- ☒ which is identified by docket No. 88265-408  
☒ which was filed on January 17, 2001, as Application No. 09/760,727.

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION				
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED	
			YES <input type="checkbox"/>	NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information known to me which is

\* for use only when the application is assigned to a company, partnership or other organization.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Marinas KUSLYS et al.

Application No.: 09/760,727

Group Art Unit: 1761

Filed: January 17, 2001

Examiner:

For: BALANCED FOOD POWDER  
COMPOSITION

Attorney Docket No.: 88265-408

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby revokes all previous powers and now appoints Allan A. Fanucci (Reg. No. 30,256) of WINSTON & STRAWN (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of Allan A. Fanucci (telephone (212) 294-3311, facsimile (212) 294-4700).

An assignment of the entire interest in the above-identified subject application is submitted herewith for recording. The undersigned has reviewed this assignment and, to the best of his knowledge, title is in the assignee seeking to take action in this application and that he is empowered to act on its behalf.

NESTEC SA

Signature:

Typed Name:

Roman Vuille, Ph.D.

Position/Title:

Assistant Vice-President

Address:

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CH-1800 Vevey, Switzerland

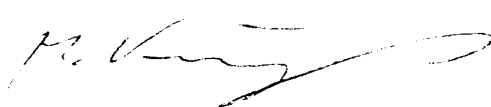
Date:

May 8, 2001

material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

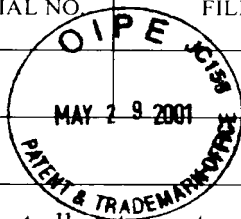
NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME KUSLYS	FIRST NAME Martin	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Grosshoeffstetten	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP Switzerland	
	POST OFFICE ADDRESS	STREET Moosackerweg 2B	CITY Grosshoeffstetten	STATE OR COUNTRY Switzerland	ZIP CODE CH-3506
	SIGNATURE OF INVENTOR 201 			DATE 5.1.10	
2 0 2	FULL NAME OF INVENTOR	LAST NAME KWON	FIRST NAME Steven	MIDDLE NAME Soon-Young	
	RESIDENCE & CITIZENSHIP	CITY Pasadena	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States	
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	SIGNATURE OF INVENTOR 202			DATE	

material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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2 0 1	FULL NAME OF INVENTOR	LAST NAME KUSLYS	FIRST NAME Martin	MIDDLE NAME
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		SIGNATURE OF INVENTOR 201		DATE
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		SIGNATURE OF INVENTOR 202 <i>Steven Kwon</i>		DATE <i>May 10, 2001</i>

2 0 3	FULL NAME OF INVENTOR	LAST NAME SAWYER	FIRST NAME Harold	MIDDLE NAME	
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		SIGNATURE OF INVENTOR 203 <i>Harold Sawyer</i>		DATE May 8, 2001	
2 0 4	FULL NAME OF INVENTOR	LAST NAME RUSSE	FIRST NAME Catherine	MIDDLE NAME Marie	
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		SIGNATURE OF INVENTOR 204 <i>Catherine Russe</i>		DATE May 8, 2001	
2 0 5	FULL NAME OF INVENTOR	LAST NAME STEELE	FIRST NAME Sarah	MIDDLE NAME Lathrop	
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		SIGNATURE OF INVENTOR 205 <i>Sarah Lathrop Steele</i>		DATE May 8, 2001	